F. Reserve

G. R. S. IX-5]

Previous references.

File No. 128-18

1918.

(6to)

Serial Nos. 166

Later references.

Ch 49-19(1)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Lix

Part B for Aug/19.

SUBJECT.

Question of delaying the passing of sentences till the prosecution secures evidence from the various finger print Bureaus.

S(6) To the Registrar, Chief Court
No 2957 dt 6-8-19.
States that Govt agree with the views of the Chief Court referred in S&S.

W D 1250—GPB—30,000 - 28-1-19

Qur

19/8/19

G.R.S. 11] 1918. 6819 1

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 128-18

FILE HEADING.

Question of delaying the passing of sentences till the prosecution secure evidence from the various Finger Print Bureaux.

From

The D. S. of Police in Mysore.

No. 3240/239 Dated 19/21-11-1918 Received 22-11-1918

Diary No. S-6819	Enclos. 2	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards copy of circulars issued by the D. S. of Police in Bowring & the matter and requests that the Chief Court may be addressed on the subject of issuing similar instructions to the Subordinate Magistrates in the State.

NOTES AND ORDERS.

Recd. without orders on 20.12.18 HR.

1) Submit for orders

86/25/4

2) I agree with the D.S. of Police in thinking that the Magts should be asked, by a circular, to afford facilities to

NOTES—First Sheet.

GPB—30,000—12-9-11

G. R. S. III-2]

General and Revenue Secretariat. | CS File No. 176 of 1918.

Serial No.

the Police to adduce evidence of previous convictions. The D.G. should also instruct the investigating officers not to ask for adjournments to make a reference to the Finger Print Bureaux if more than a week has passed after the framing of the charge & conclusion of the case. The Police shd generally write to the Finger Print Bureaux as soon as a charge is framed against a person suspected of previous convictions.

3) Why shd not the Police secure this information the moment they charge-sheet a man.

26-12-18

Chief Secy).

4) The Registrar of the Chief Court may be addressed as to the views of the Chief Court.

2482 3.1.19

2nd member) 31/12/18

2.1.19.

5) Yes. A reference might be made to the Chief Court. This is done in cases where finger prints are secured of persons charged with offences such as Murder, Dacoity, Robbery, Forgery, Counterfeiting, Coining, Cattle-theft, Rape, Abduction, Kidnapping, Arson, Mischief by fire or explosive substance, Criminal breach of trust by public servant, Cheating, Receiving stolen property, Habitual thieving, Escape from custody, Resistance to lawful apprehension, Assault on public servant, Criminal trespass, Lurking house-trespass, Housebreaking, Theft, Extortion, Criminal intimidation, Affray, Riot, Rioting armed with deadly weapon, Unlawful assembly, Public nuisance, Wandering, Begging, Vagrancy, Gambling, Public gambling, Keeping gaming house, Cheating at gambling, Offences against public tranquillity, Offences relating to religion, Offences relating to marriage, Offences against property, Offences against the person, Offences against the State, Offences against the public health, safety, convenience, decency and morals, Offences relating to documents and property marks, Offences relating to weights and measures, Offences relating to coin and Government stamps, Offences relating to the Army, Navy and Air Force, Offences by or relating to public servants, Offences relating to elections, Offences against the Arms Act, Offences against the Explosives Act, Offences against the Opium Act, Offences against the Excise Act, Offences against the Salt Act, Offences against the Stamp Act, Offences against the Customs Act, Offences against the Post Office Act, Offences against the Telegraph Act, Offences against the Railways Act, Offences against the Merchandise Marks Act, Offences against the Patents and Designs Act, Offences against the Copyright Act, Offences against the Trade Marks Act, Offences against the Forest Act, Offences against the Fisheries Act, Offences against the Wild Birds and Animals Protection Act, Offences against the Prevention of Cruelty to Animals Act, Offences against the Prevention of Corruption Act, Offences against the Official Secrets Act, Offences against the Indian Penal Code, Offences against the Code of Criminal Procedure, Offences against the Indian Evidence Act, Offences against the Indian Contract Act, Offences against the Indian Partnership Act, Offences against the Indian Trusts Act, Offences against the Indian Succession Act, Offences against the Indian Limitation Act, Offences against the Indian Arbitration Act, Offences against the Indian Companies Act, Offences against the Indian Insolvency Act, Offences against the Indian Bankruptcy Act, Offences against the Indian Negotiable Instruments Act, Offences against the Indian Sale of Goods Act, Offences against the Indian Carriers Act, Offences against the Indian Bills of Lading Act, Offences against the Indian Warehousemen's Lien Act, Offences against the Indian Factories Act, Offences against the Indian Mines Act, Offences against the Indian Boilers Act, Offences against the Indian Steam Vessels Act, Offences against the Indian Merchant Shipping Act, Offences against the Indian Port Trusts Act, Offences against the Indian Light Dues Act, Offences against the Indian Pilotage Act, Offences against the Indian Lighthouse Act, Offences against the Indian Wreck Act, Offences against the Indian Salvage Act, Offences against the Indian Collision Act, Offences against the Indian Load Lines Act, Offences against the Indian Passenger Ships Act, Offences against the Indian Emigration Act, Offences against the Indian Immigration Act, Offences against the Indian Naturalization Act, Offences against the Indian Aliens Act, Offences against the Indian Extradition Act, Offences against the Indian Fugitive Offenders Act, Offences against the Indian Foreign Jurisdiction Act, Offences against the Indian Foreign Relations Act, Offences against the Indian Foreign Enlistment Act, Offences against the Indian Foreign Recruiting Act, Offences against the Indian Foreign Service Act, Offences against the Indian Foreign Trade Act, Offences against the Indian Foreign Exchange Act, Offences against the Indian Foreign Investment Act, Offences against the Indian Foreign Loans Act, Offences against the Indian Foreign Debt Act, Offences against the Indian Foreign Aid Act, Offences against the Indian Foreign Assistance Act, Offences against the Indian Foreign Relations Act, Offences against the Indian Foreign Enlistment Act, Offences against the Indian Foreign Recruiting Act, Offences against the Indian Foreign Service Act, Offences against the Indian Foreign Trade Act, Offences against the Indian Foreign Exchange Act, Offences against the Indian Foreign Investment Act, Offences against the Indian Foreign Loans Act, Offences against the Indian Foreign Debt Act, Offences against the Indian Foreign Aid Act, Offences against the Indian Foreign Assistance Act.

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-3-18—S.

6619
10267

G. R. S. III-2j

General and Revenue Secretariat. | C/5 File No. 128 of 1918.

Serial No.	
	✓ Sub. with a draft to the Registrar Chief Court. SG 7/1/19 b(a) Issue SMH 8.1.19
2	To the Registrar Ch Ct G/9160 11-1-19 Forwards copy of letter from the D.G. Police for favour of opinion
3	From the Registrar Ch Court Roc 732 31-1-19 Requests that the D.G of Police may be asked to furnish detailed information on the subject ✓ Sub. with a draft to the D.G. of Police. SG 6/2/19 ASD 5/2 ✓ I agree DMG
4	To the D.G. of Police G/17211 of 14-2-19 Requested to state in detail the circumstances which necessitate the issue of circular re delay in passing returns till the personnel has obtained evidence from Finger Print Bureau

Sub P.
14/2
1 - Ffl

NOTE—Contn. sheet.

G. R. S. III-2

General and Revenue Secretariat.

(1026) (1934)

c/s File No. 128 of 1918

Serial No. 3

From The Regr, Chief Court R.o.c No 732 B 28-6-19 States that it is not necessary to send Mysore weights. Is delay sanctioned for receipt of a reply from the most distant Bureaus but that there is no objection to a circular requiring weights to allow time for replies from Madras or Bombay

Submit for orders with reference to paras 5 above.

2/7 ADC 8/7

Draft Memo draft circular

If the Chief Court may perhaps be asked to issue a circular in accordance with the views expressed by it in its letter dated 28-6-19

SBM 14.7.19

Chief Secy

Bombay member

Gr. Mdras 25/7/19 Gmdt

c/s 24/7/19 Gmdt

366/24.7.19

c/s 24/7

NOTE—Contn. sheet.

G. R. S. III-2]

(937)

General and Revenue Secretariat. | C.5 File No. 128 of 1918.

Serial No.

Subst. note & draft to the Regs. Chief Court

Draft Subd for perusal before issue

D. M. 30/7

2 6/7/19

577 1.8.19

II Member Orgs. appts

Subd 31/7

Issue D. M. 1/8

6

To the Registrar, Ch Court-
No. G. 2957 dt 6.8.19
States that Govt agree with the views of the Chief Court expressed in Sl ...

B 7/8

PROTECTION BRANCH. 8 AUG 1919

NOTE—Contn. sheet.

6

No 3240/239

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE.

Dated Bangalore, 19th November *1918.*

DIARY No. 21

Encls. 2

19 -18
SECTION C5
SERIAL No. 1
128-18

From Mir Hamza Husein, Esquire, B.A., B.L.,
~~K. R. SRINIVASA IYENGAR, Esqr., M.A.,~~
Offg. Inspector-~~General~~ of Police in Mysore.

To

C. S. Balasundaram Iyer, Esquire, B.A.,

Chief *Secretary to the Government of His Highness the Maharaja of Mysore, ~~General Department.~~*

Sir,

In forwarding herewith copy of a circular issued by the Inspector General of Police, Burma, regarding the issue of instructions by the Hon'ble the Judges of the Chief Court of Burma to the Subordinate Magistracy to delay passing of sentences for a reasonable time, to enable the prosecution to secure evidence from the various Finger Print Bureaux regarding the previous convictions of persons accused in Criminal trials, I have the honor to state that it is very desirable that similar instructions should be given to the Subordinate Magistrates in our State and to request the favor of your addressing the Chief Court on the subject.

I have the honor to be,

Sir,

Your most obedient servant,

Mir Hamza Husein

Offg. Inspector General of Police.

1

15399

From

The Offg. Inspector General of Police in Mysore, Bangalore.

To

The Chief Secretary to the Government of Mysore.

Dated the 19th November 1918.

Despatched. 21

No. 3240/239 SUBJECT. 2

2 NOV 1918

Requesting to move the Chief Court to issue instructions to the Magistrates to delay passing of sentences till the prosecution secures evidence from the various Finger Print Bureaux.

CHIEF SECRETARIAT III BRANCH 22 NOV 1918

Circular No.2 of 1917, dated the 1st August 1917, from the Chief Court of Lower Burma, to all Magistrates.

The attention of the Hon'ble Judges has been directed to the fact that in some Criminal cases where proof of previous convictions would have effected the sentence, an accused has been convicted who has subsequently been discovered to have been previously convicted. The Inspector General of Police has issued orders that when a reference has been made to the Finger Print Bureau, the fact and date of reference will be noted in the remarks column of Form Crime 21 (Descriptive Roll). In such cases Magistrates should defer judgment in order to allow time for the report of the Finger Print Bureau to be made. They should allow three clear days in addition to the time taken for a letter to reach Rangoon and for a reply to reach the Police Station. In the case of the Akyab, Kyaukpyu, Sandoway, Arakan Hill Tracts, Tavoy and Mergui Districts, the Finger Print Bureau will intimate by telegraph whether previous convictions have or have not been traced.

11

Circular Memorandum No.6 of 1917, dated Mandaly the 18th May 1917, from the Registrar, Court of the Judicial Commissioner, Upper Burma, to all Magistrates in Upper Burma.

It has been brought to the notice of the Judicial Commissioner, Upper Burma, that in a number of cases, Magistrates passed sentences on accused persons without waiting for the report of the Finger Print Bureau on the prints sent for search. In some cases very light sentences were passed and shortly after judgment it was ascertained that the criminal was an old offender.

The Judicial Commissioner desires to impress on all Magistrates the advisability to delay passing sentences on accused persons whose Finger Prints have been sent for search until a reasonable time has been allowed for the reply to be received.

'COPY'

Offg. Inspector General of Police

MC.

MEMORANDUM NO.62, dated Rangoon, the 7th September 1918.

The following is published for general information:-

Reference:- Magistrates to delay passing sentences on accused persons, the finger prints of whom have been sent to the Finger Print Bureau, Rangoon, for search until a reasonable time has been allowed for the reply to be received.

General Department Circular Memorandum No.16-4C,-2,-ZXV(2),1916.
From C.M.Macloskey,Esq., Personal Assistant to the Inspector General of Police, Burma, to all District Superintendents of Police;Assistant Superintendents of Police, Northern and Southern Shan States;Superintendent of Police,Pakokku Hill Tracts;and Superintendent, Chin Hills.

Dated Rangoon, the 29th August 1918.

The attention of the Superintendents of Police is invited to resolution No.XXV(2) of the Minutes of the Conference of Police Officers held at Mandalay in October 1916 and they are informed that the Hon'ble Judges Chief Court, Lower Burma, and the Judicial Commissioner, Upper Burma, who were consulted in the matter have issued instructions to all Magistrates to delay passing sentences on accused persons, the finger-prints of whom have been sent for search to the Finger Print Bureau, Rangoon, until a reasonable time has been allowed for the reply to be received,Vide. Mis. Notice No.237, published on page 210 of the Police Crime Gazette, part II dated the 8th August 1918.

2. In this connection Superintendents of Police are requested to issue instructions to all Police-stations that when a reference relating to the tracing of finger-prints of accused persons has been made to the Finger Print Bureau and no reply has been received the fact and date of such reference must be noted in red ink in the Remarks column of Form Crime 21(Descriptive Roll) and not on the Charge Sheet as hitherto,Vide Paragraph 607, Burma Police Manual.

3. An amendment to the 2nd Clause of Paragraph 607, Police Manual, will be issued and will be incorporated in the 7th list of corrections to the Police Manual.

'COPY'

Offg. Inspector General of Police

R.O.C.No. 732/1918-19.

Chief Court of Mysore,

Bangalore, dated 30th January 1919.

GEN. & REV. SECTN. 57133
Ch Sec
1 FEB 1919

From

G. SREENIVASA IYER, Esquire, B.A., M.L.,
Registrar of the Chief Court of Mysore.

To

C.S. BALASUNDARAM IYER, Esquire, B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

S i r,

Adverting to your letter No. G. 14090/Cts.128-18-2 dated the 11th Instant, calling for the views of this court in the matter of issuing a circular to subordinate Magistrates in the State to delay passing sentences on accused persons for a reasonable time to enable the prosecution to secure evidence of previous conviction from the Finger Print Bureau, suggested by the Inspector General of Police in Mysore, I am directed to state that it is not said whether the Police experienced any trouble hitherto in procuring evidence of previous convictions before sentence is passed. The Judges would like to have a somewhat fuller explanation of the necessity for a circular before recommending the issue of one either by the Government or the Chief Court.

I am to request that the Inspector General may kindly be asked to furnish this court with detailed information

9

G. R. S. VI—G/32

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, the 191

Date of issue 11.1.19

Signed by [illegible]

(Copy sent to P. W. D. with its enclosures.)

Section C

File No. 128-18

Serial No. 2

No. G/4090

3

To

The Registrar, Chief Court

Sir,

I am directed to forward herewith a copy of Letter No. 3260 Dy 21-12-18 with its enclosures received from the D. I. of Police and to request you to favour Govt. with the views of the Chief Court in the matter.

I have &c.

[illegible]

for Chief Secy.

9

11/1/19.

7/2

G. R. S. VI—G/32]

12.

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

Section ch

File No. 128-18

Serial No. 4

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

No. 917211

Date of issue 14.2.19

To

Signed by Mr. Pm

The D. I. of Police

Sir,

With reference to your letter no. 3240/289-D 19/9/1 - 11-1918 requesting to move the Chief Court to issue instructions to the Subordinate magistrates in the State to delay passing of sentences for a reasonable time to enable the Prosecution to secure evidence of

over.

12/2

information on the subject.

I have the honour to be,

Sir,

Your most obedient servant,

for REGISTRAR.

N.G.

(3)

previous convictions from the various Finger Print Bureaux, I am directed to state that the Chief Court desire to have a somewhat fuller explanation of the necessity for such a circular as the one proposed and to request that detailed ~~the above~~ information may be kindly furnished direct to the Chief Court.

I have etc.

D. Mss

for Chief Secy

List of enclosures.

Sec
24/2/19.
ADR
SP

G1721 of 14.2.19

(2)

Copy to the Registrar, Chief Court with reference this letter no. R.O.C 732 15.8.19

Dy 31-1-19 Sec

D.M.

for Chief Secy

Copied by

Examined by

& write a separate Secretary letter.

W D86--G P B--60,000--15-11-16

G 19327

14

Chief Court of Mysore,

R.O.C. No.732/18-19. Bangalore, dated 27th June 1919.

28

cs 128-18

From

G. Sreenivasa Iyer Esq., B.A., M.L.,

Registrar of the

Chief Court of Mysore.

To

C. S. Balasundaram Iyer Esq., B.A.,

Chief Secretary to the Government of Mysore,

Bangalore.

Sir,

Adverting to the correspondence ending with your letter No. G. 17212 dated the 14th February 1919 calling for the views of this Court in the matter of issuing a Circular to Subordinate Magistrates in the State to delay passing sentences on accused persons for a reasonable time to enable the prosecution to secure evidence of previous conviction from the Finger Print Bureaux, I am directed to state that it is clear from the Burma Circular that the Magistrates are not expected to wait for replies from any Finger Print Bureau except that at Rangoon and that it does not seem reasonable to ask Mysore Magistrates to delay sentences for receipt of a reply from the most distant Finger Print Bureau in India. There may be cases in which the police may have reason to believe that a man has been convicted in Scind or Assam but they will be rare and no general circular seems necessary to induce Magistrates to wait for replies in such cases.

I am to add that the Judges are of opinion that a previous conviction in Bellary or North Canara should

be

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be a ground for treating a man as an habitual criminal, not perhaps for purpose of jail classification in Mysore, but at any rate for the purpose of considering what is an appropriate sentence, and the Judges would not object very much to a circular requiring Magistrates to allow time for replies from Madras or Bombay when the prosecuting police officers can satisfy them that the reference was made to the bureau as early as possible, and that there is reason to believe that the search may be fruitful. No circular seems necessary in the case of the Finger Print Bureau at Bangalore but that may be included without objection if orders are to issue about other places.

I have the honor to be,

S i r,

Your most obedient servant,

Srinivasan

REGISTRAR.

SK.

Bureaux, I am directed to state that in accordance with the views expressed in your letter under reply, a circular may be issued to the subordinate magistrates requiring them to allow time for replies from the Police Bureaux at Madras, Bombay or Bangalore provided that the police officer satisfies them that the reference was made to the Bureau in ordinary course and that there is reason to believe that the search would be fruitful.

I have the

[illegible] Foreign Secy.

Copy to the D. G. of Police with reference to his letter No. 3240/239 of 19-11-1918

B. O.

Foreign Secy.

List of enclosures.

Copied by

Examined by.

WD 1741—GPB—20,000—19-3-19

A/20/7

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Date of issue.....

Signed by.....

Section

File No.

Serial No.

No.

To

The Regr. Civil Court

Sir,

With reference to correspondence ending with your letter No. R.O.C. 732/18-19-328-6-1919 in the matter of circulating to subordinate Courts pending sentences on accused persons the receipt of Reports from Finger Print